

**Bandwidth.com Company & VoIP Service Overview:**

Bandwidth.com is a telecommunications services company based out of Cary, NC targeting small-to-medium businesses (SMBs) exclusively with no consumer VoIP customers. The company has traditionally served as a wholesaler of business IP solutions. On March 15<sup>th</sup>, we expanded our product portfolio to include VoIP services over our own wholly-owned soft switch infrastructure.

Our VoIP origination and termination capabilities (i.e. access to/from the PSTN) are currently provided exclusively via Level 3. For customers utilizing bi-directional VoIP service, we have provided origination (i.e. DIDs) from Level 3's Enhanced Local Service (ELS) product. This ensures that all of our small-to-medium business customer will be supplied with full E911 service. Consequently, we do not envision any difficulty complying with the requirement to provide all customers with full E911 service by the October 29<sup>th</sup> deadline recently set forth by the FCC.

**Bandwidth.com's Actions to Date:**

Bandwidth.com has utilized a targeted email service (Exact Target) as the initial means for both delivering our advisement to customers of the potential limitations of E911 and capturing their acknowledgement. This consisted of us sending out an advisement email to **100%** of our current subscribers. The email not only contained the text explaining the potential limitations but also explicitly noted to customers that if we did not receive an acknowledgement by July 29<sup>th</sup>, we would turn down their VoIP service (see Attachment 1). Each email also included an intuitive "I ACKNOWLEDGE" button to allow them indicate they had read and understood the potential limitation of the E911 service supplied over their VoIP solution. Once this button was clicked, the acknowledgement could be tracked by Exact Target's tracking system.

As previously outlined, these emails canvassed **100%** of our existing subscriber base and were sent out on the following dates:

- July 22<sup>nd</sup>
- July 25<sup>th</sup>
- July 27<sup>th</sup>
- August 8<sup>th</sup>

The results are tracked by the targeted email service provider we are utilizing (Exact Target) in addition to Bandwidth.com maintaining our own list of acknowledgements internally.

For our remaining subscribers from whom we have not received an acknowledgement, we began manually calling them to remind them of our need for them to read the email and supply their acknowledgement in order for us to continue to provide their service. Our current expectation is to contact via phone all our remaining customers by August 12, 2005.

Additionally, for all new subscribers Bandwidth.com has provided advisement of potential E911 limitations which will be provided as a separate addendum to be signed off by our customers to signify their acknowledgement. This addendum is sent out with our contracts for our VoIP service and must be signed before the customer's service will be provisioned. These records are electronically faxed to Bandwidth.com and stored in PDF format and stored electronically in a secure file server.

**Current Percentage of Acknowledgement Received**

Bandwidth.com's email notifications were sent to **100%** of our current subscriber base. This included all currently contracted customers as well as prospects who were utilizing demo accounts.

As of the date of this submission, Bandwidth.com has received an acknowledgement from **75.6%** of these subscribers.

**Estimated Percentage of Customers Not Supplying Acknowledgement**

Bandwidth.com believes we will receive acknowledgement from approximately **95%** of existing subscribers. We believe this is attainable given that we currently stand at 75.9%.

**Distribution of Warning Stickers**

Unfortunately, we at Bandwidth.com did not accurately interpret the deadline for sending out warning stickers to our subscribers. We understood the deadline to be 120 days after the effective date of the order versus the true date of July 29<sup>th</sup>.

With the recent guidance and additional detail provided on July 29<sup>th</sup>, it became evident to us that we misinterpreted the deadline. We have quickly responded and are currently in the process of printing and distributing these warning stickers. Our current plan is distribute this via US mail and have them accompany a letter restating the potential limitation of E911 service and provide guidance for the placement of the warning stickers. We fully expect to have these stickers distributed to 100% of our subscribers by August 19<sup>th</sup>.

**Actions Taken Towards Any Subscriber Not Affirmatively Acknowledging the Advisory**

Bandwidth.com will continue to diligently contact its customers to ensure they are aware that in order for Bandwidth.com to continue providing their VoIP service, we will need for them to both read our notification and to supply their acknowledgement. We will follow this course of action up until the FCC's imposed deadline of August 29<sup>th</sup> 2005. On the deadline we will begin turning down the service for any customer that has not provided us the necessary acknowledgement regarding their E911 service.

**Individuals Responsible for Compliance Efforts with VoIP E911 Order**

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## ATTACHMENT 1: Customer Notification Email

Dear Bandwidth.com VoIP Customer,

We are writing to you today to discuss a very serious issue – 911 emergency calling.

The Federal Communications Commission (FCC) has recently required Bandwidth.com and other VoIP service providers to notify their VoIP customers of the circumstances in which their E911 service may be limited or unavailable.

**We need your immediate cooperation to continue to provide your existing BandwidthVoIP service. Please immediately review the remaining terms in this message and click the “I ACCEPT” button contained at the end of this email, by Friday, July 28th 2005. A failure to comply may result in your BandwidthVoIP service being canceled on or around July 28<sup>th</sup>, 2005.**

### Emergency 9-1-1 Terms & Conditions:

The safety of our customers is of the utmost concern to Bandwidth.com, which is why we have provided Enhanced 911 (E911) as part of your BandwidthVoIP service. E911 call service delivers address-specific call-back information to public service answering points (PSAPs) whenever someone makes an emergency call. This enables emergency personnel to be dispatched to the scene even if the caller is unable to speak or if the call is suddenly disconnected. Since Bandwidth.com's E911 calls are routed as emergency calls, customers should expect to receive the same response from emergency personnel they would receive from traditional phone services. **However, since the 911 service we have provided relies on both your broadband Internet connection and the service address you provide at registration, there are instances where 911 calling will not function properly, including:**

- **Power Outage:** Power outage or electrical failure at the location where the service is used.
- **Loss of Broadband Service:** Failure of the broadband Internet connection would render 911 services unavailable.
- **Failure of Equipment:** Equipment, software or hardware necessary for end-to-end functionality (e.g. routers, integrated access devices, IP phones, switches, etc.) malfunction, fail or are incorrectly configured.
- **Failure to Provide an Accurate Address / Move your VoIP Equipment to Another Address:** The service address you provided outlines the physical address from which you intend to use your service. If the service address you provided is different from the actual physical address you are using your VoIP service, 911 services may not be accessible or emergency personnel may be dispatched to the wrong address.
- **Use of Non-Native Telephone Number:** If the user utilizes a non-native telephone number (i.e. a telephone number from a local exchange area different from where the caller is located).
- **Geographic Limitation:** BandwidthVoIP can only access 911 emergency service within the United States. Some countries have not implemented a 911 service.
- **Non-Payment for Service:** Failure to make timely payment for your VoIP service may result in suspension or disconnection of dial tone and loss of 911 emergency service access.

If you want to permanently relocate your VoIP service to a new Service Address, you must contact Bandwidth.com's Customer Service at 1800.409.4357 to update your address and determine whether 911-type services are available at the new location. If 911-type service is available at your new Service address, it may be necessary for Bandwidth.com to assign a new number to you.

To confirm that you understand these limitations, please click the “I AGREE” button.

Bandwidth.com remains committed to meeting the safety requirements of our customers and those mandated by the FCC with the highest levels of diligence and thoroughness. We appreciate your time and the opportunity to provide the mission-critical telephony services for your business.